SOUTHERN DISTRICT OF NEW	YORK			
SECURITIES AND EXCHANGE COMMISSION, :		x : 19 Civ. 09439 (PKC	19 Civ. 09439 (PKC)	
	Plaintiff,	ECF Case		
- against -		•		
TELEGRAM GROUP INC. and TON ISSUER INC.		:		
	Defendants.	: :		
		: X		

## DECLARATION OF ANDREW R. ESCOBAR IN SUPPORT OF INVESTOR I'S MOTION TO SEAL

I, Andrew R. Escobar, declare as follows:

UNITED STATES DISTRICT COURT

- 1. I am a partner at DLA Piper LLP (US) and counsel of record for Non-Party

  (identified herein as "Investor I"). I submit this declaration in support of Investor I's motion to seal. I have personal knowledge of the facts contained in this declaration, and I am competent to testify as to them.
- 2. On March 29, 2018, the SEC served Investor I's manager with a voluntary request for the production of records regarding its investigation into Telegram Group Inc. and Ton Issuer Inc., enclosing a copy of SEC Form 1662. SEC Form 1662 is available online at <a href="https://www.sec.gov/files/sec1662.pdf">https://www.sec.gov/files/sec1662.pdf</a>.
- 3. On June 25, 2018, Investor I made a voluntary production of documents in response to the SEC's request. Investor I requested confidential treatment for all of those documents under

<sup>&</sup>lt;sup>1</sup> The SEC previously filed a motion requesting an Order to file under seal and in redacted form on ECF materials reflecting the names and other identifying information of Gram purchasers, including non-parties the SEC identified as Investors A through H. (*See* SEC's Mot. to Seal, ECF No. 28 (Oct. 23, 2019); Decl. of Ladan Stewart in Support of SEC's Mot. for Sum. Judg., ECF No. 81 (Jan. 15, 2020).). This document continues to redact that identifying information, using the pseudonym "Investor I" for the Court's convenience and to avoid confusion.

the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, marking them with an endorsement designated "Confidential Treatment Under FOIA Requested by [Investor I]."

4. On October 17, 2019, the SEC served Investor I with a subpoena commanding the re-

production of the records that Investor I had voluntarily produced, along with additional records

regarding Telegram Group Inc. and Ton Issuer Inc.

5. On November 8, 2019, Investor I responded with a production of records to the SEC.

Once again, Investor I requested confidential treatment for all of those documents under FOIA,

marking them with an endorsement designated "Confidential Treatment Under FOIA Requested

by [Investor I]."

6. Investor I has diligently and consistently communicated to the SEC, through counsel,

that its records are highly confidential and should be treated as such. The endorsement on PX152

does not mention the Court's November 12, 2019 protective order (ECF No. 36) only because that

order was not entered until four days after the document was produced.

I declare under penalty of perjury under the laws of the United States of America that the

foregoing is true and correct.

Executed on February 4, 2020 in Seattle, Washington.

Andrew R. Escobar

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